

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

E.F.S.&T. Department – Brick Kilns – Guidelines in respect of establishment of Brick Kilns in the State – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (ENVIRONMENT) DEPARTMENT

G.O.Ms.No. 80

Dated:22-04-2010.
Read the following:-

1. From the Advocate General, High Court Buildings, Hyderabad, Letter No.619 of 2010, dated:28-01-2010.
2. Government D.O.Lr.No.579/Env./2010, dated:01-02-2010.
3. From Member Secretary, A.P. Pollution Control Board, Hyderabad, Letter No.76/PCB/CFE/HO/Brick Kilns/2010-55, dated:08-04-2010.
4. From the Advocate General, High Court Buildings, Hyderabad, Letter No.357 of 2010, dated:17-04-2010.
5. From Member Secretary, A.P. Pollution Control Board, Hyderabad, Letter No.76/PCB/CFE/HO/Brick Kilns/2010-114, dated:19-04-2010.

In W.P. No.26243 of 2007 filed by Sri Adapa Narayana Swamy and others questioning the establishment of Bricks Kilns in Survey No.162/7, 162/8 and 162/9 of Kulla village, K. Gangavaram Mandal, East Godavari District, the Court directed the State to evolve guidelines and policy to regularize and monitor the Brick Kilns activities in the state.

The issue has been examined in consultation with the Member Secretary, A.P. Pollution Control Board, Hyderabad, and considered that the activity of brick manufacturing is not among the scheduled 66 categories of small scale polluting units as per GOs 1 & 2 of Environment, Forests, Science & Technology Department, dated: 23-01-1995 and their amendments thereof, for which pollution clearance needs to be obtained. Hence, the Pollution Control Board does not issue any clearances to these brick clamps. However, the brick clamp's owner has to obtain an acknowledgement from the General Manager, District Industries Centre (GM,DIC). This acknowledgement serves the purpose of the consent of the Board. As, the activity of brick manufacturing is not one of the scheduled industries in the Air (Prevention & Control of Pollution) Act, 1981, the A.P. Pollution Control Board does not have any direct control over the manufacturers of bricks. The limited control which can be exercised on such industries, is through Tahsildar of concerned area who can take action under section 133 of Cr.P.C in case of violations.

The Hon'ble High Court of Andhra Pradesh while disposing Writ Petition No. 12138/2008 & batch cases vide order dated:30-07-2008 observed that "the activity of the brick manufacturing, which is not one of the scheduled industries in the Air (Prevention & Control of Pollution) Act, 1981, and it is not open for the Andhra Pradesh Pollution Control Board to have any direct control over the manufacturers of bricks. The limited control which can be exercised on such industries, is through Tahsildar of the concerned area who can be instructed to take appropriate action and directed the District Collector to initiate action against the brick manufacturers within the stipulated time."

In the reference 5th cited, the Member Secretary, A.P. Pollution Control Board, Hyderabad, after interacting with the Industries Department, has furnished revised draft guidelines in the matter.

(P.T.O)

The Government, after careful examination of the matter, hereby issue the following guidelines for establishment of Brick Clamps in the State of Andhra Pradesh:

1. An application for establishment of Brick Clamp made to Industries Department shall be accompanied by a no objection / license from the local body (Gram Panchayat, Zilla Parishad, Municipality or Municipal Corporation). It is open to the local body to consider the objections, if any, made to such application before grant of No objection Certificate to the applicant.
2. The edge of the Brick Clamp (batti) shall be at a radial distance of -
 - a. 1 Km from any human habitation, hospitals, educational or any other institutions;
 - b. 100 m as far as practicable, but in no case less than 50 mtrs from the neighbors' agricultural/horticulture lands. The Brick Clamp shall have the accessibility without disturbing the surrounding crops;
 - c. 100 mtrs from flood banks of river;
 - d. 200 mtrs from the National Highways/State Highways / Expressways / Ring Roads; and
 - e. 25 m from the village roads.
3. The General Managers, District Industries Centres shall issue acknowledgements to those Units which are complying with above guidelines duly stipulating the above mentioned guidelines as conditions.
4. Mitigative measures to control pollution;
 - a. To minimize generation of fugitive emissions due to movement of vehicles, the passage around the brick clamps within the premises should be paved with broken bricks;
 - b. Ash produced everyday shall be transported to a disposal site or reused in brick making to reduce fugitive emissions;
 - c. The brick clamp (Batti) shall be located / operated in such a way that it shall not affect the agricultural activity in the vicinity; and
5. The Revenue Authorities viz. Collector and District Magistrate / R.D.O. / Tahasildar shall continue to take action against defaulting units under the provisions of Cr.P Code as upheld by the Hon'ble High Court in the W.P.No.12138 /2008 and batch cases.

The District Collector of the concerned District shall monitor implementation of the guidelines.

The G.O. is available on the Internet and can be accessed at the address "<http://www.ap.gov.in/goir>".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

JANAKI R.KONDAPI,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
The Member Secretary, Andhra Pradesh Pollution Control Board, Hyderabad.
All the District Collectors in the State.
The Commissioner of Industries, Andhra Pradesh, Hyderabad.
The Industries and Commerce Department.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER.